

Patricia A. O'Connor (PO5645)  
BRODY, O'CONNOR & O'CONNOR  
7 Bayview Avenue  
Northport, New York 11768  
(631) 261-7778

GN 11-275 AB  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X  
HUMBERTO CASTRO and DONNA CASTRO,

Civil Action No.:  
CV 11 5071  
Plaintiffs,

**VERIFIED ANSWER**

UNITED STATES POSTAL SERVICE, STEEL LOS III  
d/b/a STEEL EQUITIES and BASIN HAULAGE INC.,

Defendants.  
-----X

The defendant, STEEL - LOS III, LP i/s/h/a "STEEL LOS III d/b/a STEEL  
EQUITIES", by its attorneys, BRODY, O'CONNOR & O'CONNOR, ESQS., answering the  
Verified Complaint herein states upon information and belief:

FIRST: Defendant denies having knowledge or information sufficient to form a belief  
as to the allegations set forth in paragraph marked "1", and each and every part thereof.

**AS TO THE FIRST CAUSE OF ACTION**

SECOND: Defendant denies having knowledge or information sufficient to form a  
belief as to the allegations set forth in paragraphs marked "2", "3", "4", "5", "6", and each and  
every part thereof.

THIRD: Defendant denies the allegations set forth in paragraph marked "7", and each  
and every part thereof.

FOURTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked "9", "10", "11", "12", "13", and "14", and each and every part thereof.

FIFTH: Defendant denies the allegations set forth in paragraphs marked "15", "16", "17", and "18", and each and every part thereof.

AS TO THE SECOND CAUSE OF ACTION

SIXTH: Defendant denies the allegations set forth in paragraph marked "19", except admits that STEEL - LOS III, LP is a domestic limited partnership.

SEVENTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked "20", and each and every part thereof.

EIGHTH: Defendant denies the allegations set forth in paragraph marked "21", except admits that STEEL - LOS III, LP is the owner of premises located at 700 Hicksville Road, Bethpage, New York including 288 Grumman Road West, Bethpage, New York.

NINTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked "22", "23", "24", "25", "26", "27", and "28", and each and every part thereof.

TENTH: Defendant denies the allegations set forth in paragraphs marked "29", "30", "31", and "32", and each and every part thereof.

AS TO THE THIRD CAUSE OF ACTION

ELEVENTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked "33", "34", and "35", and each and every part thereof.

TWELFTH: Defendant denies the allegations set forth in paragraphs marked "36",

and "37", and each and every part thereof.

THIRTEENTH: Defendant denies having knowledge or information sufficient to

form a belief as to the allegations set forth in paragraphs marked "38", "39", "40", "41", "42", and

"43", and each and every part thereof.

FOURTEENTH: Defendant denies the allegations set forth in paragraphs marked

"44", "45", "46", and "47", and each and every part thereof.

#### AS TO THE FOURTH CAUSE OF ACTION

FIFTEENTH: Defendant repeats and reiterates each and every denial in answer to

paragraphs numbered "1" through "47", of the Complaint as if more particularly hereinafter set forth

in answer to paragraph numbered "48", and each and every part thereof.

SIXTEENTH: Defendant repeats and reiterates each and every denial in answer to

paragraphs numbered "1" through "48", of the Complaint as if more particularly hereinafter set forth

in answer to paragraph numbered "49", and each and every part thereof.

SEVENTEENTH: Defendant repeats and reiterates each and every denial in answer

to paragraphs numbered "1" through "49", of the Complaint as if more particularly hereinafter set

forth in answer to paragraph numbered "50", and each and every part thereof.

EIGHTEENTH: Defendant repeats and reiterates each and every denial in answer

to paragraphs numbered "1" through "50", of the Complaint as if more particularly hereinafter set

forth in answer to paragraph numbered "51", and each and every part thereof.

NINETEENTH: Defendant denies the allegations set forth in paragraph marked "52",

and each and every part thereof.

If the plaintiff, HUMBERTO CASTRO, was caused to sustain injuries and damages at the time and place and in the manner alleged in the Complaint through any carelessness, recklessness and negligence other than the plaintiff's own carelessness, recklessness and negligence, said injuries and damages were caused by reason of the carelessness, recklessness and negligence and/or affirmative acts of omission or commission and/or breach of contract and/or breach of lease by each

**AS A CROSS COMPLAINT AGAINST CO-DEFENDANTS,  
UNITED STATES POSTAL SERVICE AND BASIN HAULAGE  
INC., DEFENDANT, STEEL - LOS III, LP i/s/h/a "STEEL LOS  
III d/b/a STEEL EQUITIES", ALLEGES:**

any collateral payments received, in accordance with CPLR Section 4545.  
TWENTY-SECOND: Plaintiffs' recovery, if any, shall be reduced by the amount of

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

1601 of the CPLR.  
equitable share of said damages in accordance with its relative culpability, as provided by Section more joint tortfeasors, then defendant's liability herein for non-economic loss may not exceed its defendant and it is determined that plaintiffs' damages were caused in whole or in part by two or TWENTY-FIRST: In the event that plaintiffs recover judgment against this answering

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

conduct and/or negligence which caused the damages.  
contributory negligence and/or assumption of risk attributable to the plaintiffs bears to the culpable to plaintiffs, same should be diminished in the proportion which the culpable conduct and/or conduct, including contributory negligence and/or assumption of risk, and should an award be made TWENTY-TH: The plaintiff, HUMBERTO CASTRO, was guilty of culpable

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

party against whom this Cross-Complaint is pleaded and the agents, servants and/or employees of each such party, and if any judgment is recovered herein by the plaintiffs against the defendant(s) asserting this Cross-Complaint, the said defendant(s) will be damaged thereby and each party against whom this Cross-Complaint is pleaded is or will be responsible therefor.

By reason of the foregoing and by reason of indemnification and/or hold harmless agreements by and between the cross-complaining defendant(s) and each party against whom this Cross-Complaint is pleaded, each party against whom this Cross-Complaint is pleaded will be liable to and bound to indemnify the defendant(s) asserting the same in the event of a recovery herein by the plaintiffs against the defendant(s) asserting this Cross-Complaint and bound to pay to the defendant(s) asserting this Cross-Complaint and all attorneys' fees, costs of investigation and disbursement.

Alternatively and by reason of the foregoing, each party against whom this Cross-Complaint is pleaded, on the basis of apportionment of responsibility for the alleged occurrence, will be liable to contribute to the verdict or judgment recovered against the said defendant(s) asserting this Cross-Complaint.

WHEREFORE, defendant, STEEL - LOS III, LP i/s/h/a, "STEEL LOS III d/b/a STEEL EQUITIES", requests judgment dismissing the Complaint herein, together with costs and disbursements of this action.

Dated: Northport, New York  
December 1, 2011



Respectfully Yours,

BRODY, O'CONNOR & O'CONNOR, ESQS.

Attorneys for Defendant

STEEL - LOS III, LP

!s/h/a "STEEL LOS III d/b/a STEEL EQUITIES"

By:

PATRICIA A. O'CONNOR (PO5645)

Office and Post Office Address

7 Bayview Avenue

Northport, New York 11768

(631) 261-7778

File No.: GN 11-275 AB

TO:

CARTIER, BERNSTEIN, AUERBACH & DAZZO, P.C.

Attorneys for Plaintiffs

100 Austin Street, Building 2

Patchogue, New York 11772

(631) 654-4900

UNITED STATES POSTAL SERVICE

P.O. Box 7304

Islandia, New York 11760

BASIN HAULAGE INC.

57-01 Flushing Avenue

Maspeth, New York 11378

VERIFICATION

STATE OF NEW YORK )  
) ss.: )  
COUNTY OF SUFFOLK )

\_\_\_\_\_, being duly sworn, deposes and says:

That deponent is the \_\_\_\_\_ of STEEL - LOS III, LP, a

domestic limited partnership and the defendant in the within action, and your deponent has read the foregoing Verified Answer and knows the contents thereof and same is true to deponent's own knowledge except as to the matters therein stated to be alleged on information and belief, and as to

those matter he believes it to be true.

The reason why this Verification is made by deponent and not by defendant is that

defendant is a domestic limited partnership and deponent is an officer thereof. The sources of deponent's knowledge and the grounds of his belief as to all matters therein alleged upon information and belief are files and records maintained by the corporation.

STEEL - LOS III, LP

By: \_\_\_\_\_

Sworn to before me this  
day of \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

AFFIDAVIT OF MAILING

STATE OF NEW YORK )  
( ss:  
) COUNTY OF SUFFOLK )

DEBRA SANACORA, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Ronkonkoma, New York.  
That on the \_\_\_\_\_ day of December, 2011, deponent served the within VERIFIED ANSWER and VERIFICATION


UPON:

CARTIER, BERNSTEIN, AUERBACH & DAZZO, P.C.  
Attorneys for Plaintiffs  
100 Austin Street, Building 2  
Patchogue, New York 11772  
(631) 654-4900


UNITED STATES POSTAL SERVICE  
P.O. Box 7304  
Islandia, New York 11760

BASIN HAULAGE INC.  
57-01 Flushing Avenue  
Maspeth, New York 11378

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
DEBRA SANACORA

Sworn to before me this \_\_\_\_\_ day of December, 2011.

  
NOTARY PUBLIC

PATRICIA A. O'CONNOR  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02006028806  
QUALIFIED IN SUFFOLK COUNTY  
COMMISSION EXPIRES ON 6/6/2014